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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,	:	Hon.
Plaintiff,	:	Civil Action No. 04-
v.	:	
ANY AND ALL RADIO STATION	:	
TRANSMISSION EQUIPMENT, RADIO	:	
FREQUENCY POWER AMPLIFIERS,	:	
RADIO FREQUENCY TEST EQUIPMENT	:	
AND ANY OTHER EQUIPMENT	:	<u>VERIFIED COMPLAINT</u>
ASSOCIATED WITH OR USED IN	:	
CONNECTION WITH THE	:	
TRANSMISSIONS ON FREQUENCY	:	
95.3 MHz, LOCATED AT 4615	:	
CRESCENT BOULEVARD, ROUTE	:	
130 NORTH, PENNSAUKEN, NEW	:	
JERSEY 08110,	:	
Defendant In Rem,	:	
and	:	
SOL FA 4 COMMUNICATIONS, INC.	:	
and DONALD F. VIDAL	:	
Defendants.	:	

Plaintiff, United States of America by its attorney,
Christopher J. Christie, United States Attorney for the District
of New Jersey, by way of complaint against the defendant in rem
and the defendants, hereby says:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this proceeding pursuant

to 28 U.S.C. §§ 1331, 1345 and 1355(a) as well as 47 U.S.C. §§ 401, 510.

2. Venue is proper in the District of New Jersey pursuant to 28 U.S.C. §§ 1355(b)(1) and 1391(b).

PARTIES

3. The plaintiff is the United States of America on behalf of the Federal Communication Commission (the "FCC"). The FCC is an agency of the United States with the duty of enforcing and executing the provisions of the Communications Act of 1934, as amended, 47 U.S.C. § 151-611. In accordance with 47 U.S.C. § 401(a), the FCC has requested the Attorney General of the United States to institute this action.

4. The defendant in rem consists of radio frequency devices which, on and prior to May 17, 2004, was located at, on or within the premises known as 4615 Crescent Boulevard, Route 130 North, Pennsauken, New Jersey and is more particularly described as:

ANY AND ALL RADIO STATION TRANSMISSION EQUIPMENT, RADIO FREQUENCY POWER AMPLIFIERS, RADIO FREQUENCY TEST EQUIPMENT AND ANY OTHER EQUIPMENT ASSOCIATED WITH OR USED IN CONNECTION WITH THE TRANSMISSIONS ON FREQUENCY 95.3 MHz, LOCATED AT 4615 CRESCENT BOULEVARD, ROUTE 130 NORTH, PENNSAUKEN, NEW JERSEY 08110

5. Defendant Sol Fa 4 Communications, Inc. is a business entity that possesses the defendant in rem and is responsible for the unlicensed broadcasts that are the subject of this action. Personal jurisdiction is proper over defendant Sol Fa 4 Communications, Inc. because it is located in New Jersey (at 4615 Crescent Boulevard, Route 130 North, Pennsauken, New Jersey), because it conducts business in New Jersey and because the

illegal and improper acts that form the basis of this complaint took place in New Jersey.

6. Defendant Donald F. Vidal is or has been the Treasurer of defendant Sol Fa 4 Communications, Inc. and possesses the defendant in rem. Personal jurisdiction is proper over defendant Vidal because he is a resident of New Jersey, because he conducts business in New Jersey and because the illegal and improper acts that form the basis of this complaint took place in New Jersey.

THE STATUTORY REQUIREMENT FOR LICENSURE

7. As noted by the Supreme Court of the United States, "[t]he number of available radio frequencies is limited. The attempt by a broadcaster to use a given frequency in disregard of its prior use by others, thus creating confusion and interference, deprives the public of the full benefit of radio audition." Federal Communications Comm'n v. Sanders Bros. Radio Station, 309 U.S. 470, 474 (1940). A key purpose of the Communications Act of 1934 was to "maintain the control of the United States over all channels of radio transmission, and to provide for the use of such channels...by persons...under licenses granted by Federal authority." 47 U.S.C. § 301. That federal authority is the FCC.

8. Accordingly, it is a violation of federal law to operate a radio transmitter without a license issued by the FCC, 47 U.S.C. § 301, except in very limited circumstances not present in this case. See 47 C.F.R. § 15.239.

FACTUAL BACKGROUND

9. On or about October 24, 2002, Dennis Corbett, Esq., on behalf of Great Scott Broadcasting, contacted the FCC about the proposed operation of an FM broadcast station on frequency 95.3 MHz in Camden, New Jersey. Mr. Corbett said that he recently received documentation from Sol Fa 4 Communications entitled "Show Cause Order and License and Construction Permit." The documentation listed the technical specifications for an FM broadcast station and declared that Sol Fa 4 Communications was authorized to operate the radio station. The documentation listed the names of its officers, including, as the Treasurer, "El Donaldo Francisco Vid Al." Further, the documentation proclaimed "[o]nly Moors under the jurisdiction of the Great Seal of The United States can be officials of Sol Fa 4 Communications, Incorporated...."

10. The FCC has not authorized or otherwise licensed any station to operate on the frequency 95.3 MHz in either the Philadelphia, Pennsylvania or Southern New Jersey areas.

11. On November 18, 2002, an FCC official spoke on the telephone with Sol Fa 4 Communication's Vice Chairman, Pedro Urena Ruiz Ali ("Mr. Ruiz") and the FCC official warned Mr. Ruiz that he would be in violation of section 301 of the Act for operating a radio station without a license. Mr. Ruiz responded that the station was not yet on the air.

12. On or about November 26, 2002, the FCC served a warning letter upon Mr. Ruiz. The letter warned Mr. Ruiz that he would

be in violation of section 301 of the Act if he operated an unlicensed FM broadcast radio station. The letter also outlined some of the penalties for the operation of an unlicensed radio station including seizure of the equipment, fines and imprisonment. In the letter, the FCC directed Mr. Ruiz to cease operation of any unlicensed station immediately and requested him to submit a written reply within 10 days. The FCC has not ever received a reply to this warning letter.

13. By letter dated December 31, 2003, Larry Leibowitz of Mega Communications informed the FCC that an unlicensed FM broadcast station was operating on the frequency 95.3 MHz in the Philadelphia, Pennsylvania area and that it identified itself as "El Sol 95.3." Mr. Leibowitz stated that the station had been operating 24 hours a day since December 25, 2003. He further stated that the station had a strong signal throughout the Philadelphia area and he complained that the unlicensed broadcasts were causing confusion to his station's listeners and advertisers. Mega Communications holds an FCC license for the operation of an AM broadcast station in Camden, New Jersey.

14. On January 5, 2004, the FCC utilized equipment enabling a person to track and locate the source of radio transmissions to determine whether a station was transmitting radio signals on 95.3 MHz in the Philadelphia area, and, if so, to locate the source of the transmissions. After detecting transmissions on 95.3 MHz, the FCC located the source of the signal. The station identified itself as "El Sol 95.3." The FCC determined that the

station was broadcasting from 4615 Crescent Boulevard, Route 130 North, Pennsauken, New Jersey 08110. That address had a four element FM broadcast station antenna mounted approximately 100 feet above the ground on a radio tower. A sign on the wall inside the office building on the property listed the name of Sol Fa 4 Communications and El Sol 95.3 FM.

15. The FCC determined on January 5, 2004 that the station's field strength extrapolated to three meters was 8,693,120 $\mu\text{V/m}$. This means the station exceeded the permissible level for a non-licensed low-power radio transmitter by 34,772 times. Accordingly, a license is required for operation of this station.

16. The FCC has not ever issued a license for the operation of an FM broadcast station at 4615 Crescent Boulevard, Route 130 North, Pennsauken, New Jersey 08110. Thus, this station was operating in violation of 47 U.S.C. § 301.

17. The FCC attempted to conduct an inspection of the El Sol 95.3 radio station on January 5, 2004. A person who identified himself as "Vidal" answered the door. When asked if he had a license to operate the radio station, Mr. Vidal said that the station was authorized under the "Great Seal" and handed the FCC official on the scene a copy of a document entitled "License and Construction Permit," signed by a "Queen Ali." The document that Mr. Vidal proffered was not a license issued by the FCC. When shown the Sol Fa 4 Communications document listing "El Donaldo Francisco Vid Al" as the station Treasurer, Mr. Vidal

acknowledged that he had originated the document.

18. Mr. Vidal and the person identified as "El Donaldo Francisco Vid Al" are one and the same person.

19. On January 5, 2004, the FCC personally served Mr. Vidal with a warning letter. The letter warned Mr. Vidal that operation of the unlicensed radio station on 95.3 MHz violated 47 U.S.C. § 301, outlined the potential penalties for operating an unlicensed radio station in violation of 47 U.S.C. § 301 (including seizure of the equipment, fines and imprisonment), and directed the operator of the station to terminate operation of the unlicensed station immediately. In the letter, the FCC requested that he submit a written reply within 10 days.

20. On January 6, 2004, the FCC utilized equipment enabling a person to track and locate the source of radio transmissions to determine whether a station was transmitting radio signals on 95.3 MHz in the Philadelphia area, and, if so, to locate the source of the transmissions. After detecting transmissions on 95.3 MHz, the FCC located the source of the signal. The station identified itself as "El Sol 95.3." The FCC determined that the station was broadcasting from 4615 Crescent Boulevard, Route 130 North, Pennsauken, New Jersey 08110.

21. The FCC determined on January 6, 2004 that the station's field strength extrapolated to three meters was 9,720,452 $\mu\text{V/m}$. This means the station exceeded the permissible level for a non-licensed low-power radio transmitter by 38,882 times. Accordingly, a license is required for operation of this

station. Again, the FCC has not ever issued a license for the operation of an FM broadcast station at 4615 Crescent Boulevard, Route 130 North, Pennsauken, New Jersey 08110. Thus, this station was still operating in violation of 47 U.S.C. § 301. The unauthorized signal was able to be detected at a distance of over fifteen miles from its source.

22. The FCC received a document from defendants entitled "Frequency Ownership Declaration to Prohibit Licencing, Authorization, and Regulation" on or about January 11, 2004. The document declares, inter alia, that the owners of the station are not subject to any laws enacted by the United States Congress or any state. Further, the document declares that the owners are not under the jurisdiction of the FCC or of any court within the United States. The document also lists the owners of the station as Vallahra Renita El Harre, Bey; Chauzee Delawarh Moor Quoix, Dey; Elrich Wind El Harre, Bey; Khalif Jahi El Harre, Bey; Rafi Khabir El Harre, Bey; Aziza Zahara El Harre, Bey; and Ehieh Alabriah El Harre, Bey. Finally, the document purports to impose a judgment of \$36 million against the FCC and the Chief Clerk of the U.S. House of Representatives.

23. On or about January 27, 2004, the FCC served a warning letter to Mr. Vidal at Sol Fa 4 Communications, Inc. 4615 Crescent Boulevard, Route 130 North, Pennsauken, New Jersey 08101. The letter warned Mr. Vidal and Sol Fa 4 Communications, Inc. that operation of the unlicensed radio station on 95.3 MHz violated section 301 of the Act. The letter also outlined some

of the penalties for the operation of an unlicensed radio station including seizure of the equipment, fines and imprisonment. In the letter, the FCC directed the recipients to cease operation of any unlicensed station immediately and requested a written reply within 10 days.

24. On January 28, 2004, the FCC utilized equipment enabling a person to track and locate the source of radio transmissions to determine whether a station was transmitting radio signals on 95.3 MHz in the Philadelphia area, and, if so, to locate the source of the transmissions. After detecting transmissions on 95.3 MHz, the FCC located the source of the signal. The station identified itself as "El Sol 95.3." The FCC determined that the station was broadcasting from 4615 Crescent Boulevard, Route 130 North, Pennsauken, New Jersey 08110.

25. On January 28, 2004, an FCC official observed Mr. Vidal and three other persons exit 4615 Crescent Boulevard, Route 130 North, Pennsauken, New Jersey. He approached the group and warned them that they were in violation of section 301 of the Act for operating an unlicensed broadcast station on 95.3 MHz. Mr. Vidal responded that the station was licensed under "The Great Seal." On the same date, at the same time, the FCC official handed Mr. Vidal a copy of the warning letter dated January 27, 2004 and he accepted it.

26. On or about February 4, 2004, the United States Postal Service returned the January 27, 2004 warning letter that was also sent by the FCC via certified mail. There was a notation on

the envelope that delivery of the letter was refused. On the return receipt post card, a person wrote, "RETURN TO SENDER [,] IMPROPER SERVICE [,] IMPROPER VENUE [,] JURISDICTION PROHIBITED."

27. By letter dated February 6, 2004, Milford K. Smith, Jr. of Greater Media, Inc., informed the FCC that an unlicensed FM broadcast station was operating on the frequency 95.3 MHz from a site in Pennsauken, New Jersey. The letter advised that the unlicensed station was causing interference to a Greater Media Station (operating on the frequency of 95.7 MHz in Philadelphia) and that this was provoking listener complaints. Greater Media holds a license for the operation of an FM broadcast station on the frequency of 95.7 MHz at its Philadelphia location.

28. On or about March 22, 2004, the FCC received from the defendants a document entitled "Revised Declaration for Radio Frequency and Channel Block License Agreement." The document identifies the owners of El Sol 95.3 and declares, inter alia, that the owners of the station are not subject to any laws enacted by the United States Congress or any state. Further, the document declares that the warning notices sent by the FCC are null and void.

29. On May 12, 2004, the FCC utilized equipment enabling a person to track and locate the source of radio transmissions to determine whether a station was transmitting radio signals on 95.3 MHz in the Philadelphia area, and, if so, to locate the source of the transmissions. After detecting transmissions on 95.3 MHz, the FCC located the source of the signal. The station

identified itself as "El Sol 95.3." The FCC determined that the station was broadcasting from 4615 Crescent Boulevard, Route 130 North, Pennsauken, New Jersey 08110. The FCC determined on May 12, 2004 that the station's field strength extrapolated to three meters was 5,881,007 $\mu\text{V/m}$. This means the station exceeded the permissible level for a non-licensed low-power radio transmitter by 23,524 times. Accordingly, a license is required for operation of this station. Again, the FCC has not ever issued a license for the operation of an FM broadcast station at 4615 Crescent Boulevard, Route 130 North, Pennsauken, New Jersey 08110. Thus, this station was still operating in violation of 47 U.S.C. § 301. The unauthorized signal was able to be detected at a distance of over fifteen miles from its source.

30. On May 17, 2004, the FCC utilized equipment enabling a person to track and locate the source of radio transmissions to determine whether a station was transmitting radio signals on 95.3 MHz in the Philadelphia area, and, if so, to locate the source of the transmissions. After detecting transmissions on 95.3 MHz, the FCC located the source of the signal. The station identified itself as "El Sol 95.3." The FCC determined that the station was broadcasting from 4615 Crescent Boulevard, Route 130 North, Pennsauken, New Jersey 08110. The FCC determined on May 17, 2004 that the station's field strength extrapolated to three meters was 5,945,552 $\mu\text{V/m}$. This means the station exceeded the permissible level for a non-licensed low-power radio transmitter by 23,782 times. Accordingly, a license is required for

operation of this station. Again, the FCC has not ever issued a license for the operation of an FM broadcast station at 4615 Crescent Boulevard, Route 130 North, Pennsauken, New Jersey 08110. Thus, this station was still operating in violation of 47 U.S.C. § 301. The unauthorized signal was able to be detected at a distance of over fifteen miles from its source.

31. The FCC has not ever issued a license to defendants or any other person or entity for the operation of an FM broadcast station at 4615 Crescent Boulevard, Route 130 North, Pennsauken, New Jersey 08110.

COUNT I

32. Plaintiff United States of America repeats the allegations contained in paragraphs 1 - 31 as if fully set forth herein.

33. Defendants Sol Fa 4 Communications, Inc. and Donald F. Vidal (and their employees, agents, representatives, successors or assigns and any and all persons in active concert or participation with him or them) have violated and are violating 47 U.S.C. § 301 by and through their unlicensed radio transmissions as alleged herein.

34. Plaintiff believes and asserts that, unless restrained by this Court, defendants will continue to violate 47 U.S.C. § 301 in the manner alleged herein.

COUNT II

35. Plaintiff United States of America repeats the allegations contained in paragraphs 1 - 34 as if fully set forth herein.

36. The defendant in rem constitutes radio frequency devices that were being used, sent or possessed with intent to violate 47 U.S.C. § 301.

37. The defendant in rem is subject to seizure and forfeiture pursuant to 47 U.S.C. § 510.

WHEREFORE, plaintiff United States of America requests:

1. That defendants Sol Fa 4 Communications, Inc. and Donald F. Vidal and their employees, agents, representatives, successors or assigns and any and all persons in active concert or participation with them be restrained and enjoined pursuant to 47 U.S.C. § 401(a) from directly or indirectly:

(a) making radio transmissions within the United States unless and until they first obtain a license from the Federal Communications Commission or other appropriate authorization in accordance with the Communications Act of 1934; and

(b) doing any act to cause unlicensed radio transmissions to occur or to enable such radio transmissions to occur;

2. That all persons having any interest in the defendant in rem be cited to appear herein and answer the allegations of the complaint;

3. That judgment be entered declaring the defendant in rem be condemned and forfeited to the United States for disposition according to law; and

4. That the plaintiff be granted judgment for its costs herein, and such other relief as the Court may deem just and proper.

CHRISTOPHER J. CHRISTIE
United States Attorney

By: MICHAEL A. CHAGARES
Assistant U.S. Attorney
Chief, Civil Division

Dated: May 17, 2004

Sworn and subscribed to
before me this 17th day
of May, 2004, at
Camden, New Jersey.